



ADMINISTRATIVE RULE

SUBJECT: RESTRICTIONS AND PROHIBITIONS IN CIVIC CENTER PARK AND IN CIVIC CENTER AREA CITY BUILDINGS FOR AUGUST 27, 2017

PURPOSE

The purpose of this rule is to preserve public safety, protect park property, safely and fairly balance competing uses of Civic Center Park (“the Park”), prevent damage to City facilities, and facilitate First Amendment rights of freedom of speech and peaceful assembly during demonstrations proposed for the park and the Civic Center area for August 27, 2017.

Pursuant to Berkeley Municipal Code (“BMC”) Chapters 13.44 and 6.46, the City Manager is authorized to impose conditions on the issuance of a permit for a street or park event. BMC Section 13.36.065 authorizes the City Manager to establish rules to enhance security and prevent damage to City facilities. Therefore, the conditions, restrictions and prohibitions of this Rule shall apply.

One of the August 27 assemblies is being advertised as a follow up to prior, unpermitted events held at and around the park on March 4, 2017, April 15, 2017 and April 27, 2017, which events also drew counter-demonstrations. The March 4 and April 15 assemblies turned violent, fights broke out, and numerous people were seriously injured. Arrests were made for offenses that included battery and assault with a deadly weapon. Violence at the events has been well documented by the Berkeley Police Department, the news media, and participants on social media. Some participants came to the park with metal pipes, baseball bats, lengths of 2”x 4” lumber (some with nails in them), bricks, pepper spray, Mace, daggers, combat shields, poles, axe handles, hatchets, helmets, masks, and similar items. Numerous participants wore masks or otherwise covered their faces so as to attempt to evade identification while attempting to or committing crimes and engaging in violence.

Issuance of this rule and regulation is not a waiver of the City’s current authority to enforce rules against unpermitted events, and does not constitute a sanction of any unpermitted event.

REGULATION

PURSUANT TO BMC 6.32.030 and 13.36.065:

On August 27, 2017, access to Civic Center Park (entry and exit) will be restricted via controlled access points. It shall be a violation of this Rule for any person to enter or exit the park other than at a controlled access point.

Likewise, access to City facilities and curtilage near and around Civic Center Park, including but not limited to Old City Hall (2134 Martin Luther King, Jr. Way), Public Safety Building (2100 Martin Luther King, Jr. Way), Civic Center Building (2180 Milvia Street) (collectively "City Facilities"), will be restricted.

The following items are prohibited from being brought into Civic Center Park or onto City Facilities by any person on August 27, 2017:

- Metal pipes
- Baseball or softball bats
- Lengths of lumber or wood (any size)
- Wooden dowels
- Poles
- Bricks
- Rocks
- Glass bottles
- Metal beverage or food cans or containers
- Pepper or bear spray (OC spray)
- Mace
- Knives or daggers
- Firearms
- Shields
- Axes, axe handles, or hatchets
- Ice picks
- Razor blades
- Tasers
- Eggs
- Improvised explosive devices (IEDs)
- Spray cans
- Fire works
- Dynamite
- U-lock bike locks
- Heavy-gauge chain
- Dogs (except for service dogs)
- Skate boards
- Balloons
- Torches, lanterns or other devices that use fire or fuel
- Any other item that is generally considered an "implement of riot" that can be used as a weapon

On August 27, 2017, in Civic Center Park and in City facilities, including curtilage, signs and flags must be hand held, and may not be affixed to any pole or stick.

On August 27, 2017, in Civic Center Park, wearing of a mask, scarf, bandana or any other accessory or item that covers or partially covers the face and shields the wearer's face from view, or partially from view, is prohibited, except for coverings worn due to religious beliefs, practices or observances.

Law enforcement personnel are exempt from this Rule.



City Manager

August 25, 2017

Date